UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA, Plaintiff, v. JERMAINE HARRIS, Defendant.	CRIMINAL NO. CR99-0002--MWB DEFENDANT'S OBJECTION TO PRELIMINARY ORDER REDUCING SENTENCE

Defendant, Jermaine Harris, through counsel, objects to the preliminary order filed on November 19, 2008 and states as follows:

1. The United States Sentencing Commission amended the sentencing guidelines on November 1, 2007 to lower the penalties for most crack cocaine offenses.

2. The amendment was made retroactive on November 13, 2007.

3. Based on this authority the Honorable Mark Bennett issued an order without hearing on November 19, 2008 which reduced Mr. Harris's sentence from 292 months to 235 months.

4. In order to effectuate the purpose of the amendments to the sentencing guidelines and to sentence Mr. Harris in a way which is consistent with the remedial majority and booker, this Court must resentence the Defendant to a term of imprisonment that is sufficient but not greater than necessary to satisfy the purposes set forth in §3553(a)(2).

5. The unique circumstances of Mr. Harris's case warrants a greater sentence reduction than that which was given.

1

6. Mr. Harris is indigent (*See* Financial Affidavit filed herewith) and requires the appointment of an attorney to assist in the drafting of a brief in support of his request for a greater sentence reduction and for representation at a hearing.

7. A hearing is necessary to fully analyze all of the sentencing factors outlined in §3553 and to fully present Mr. Harris's request for a greater sentence reduction.

8. This court should grant Mr. Harris's request for the appointment of counsel and appointment Clemens Erdahl.

9. This court should grant Mr. Harris time to draft a brief in support of his argument for a greater sentence reduction.

10. This court should set this matter for hearing.

Defendant, Jermaine Harris, respectfully requests that the Court appoint an attorney to represent him, grant him additional time to submit a brief in support of a sentence reduction, and order a hearing to determine the reduction in sentence necessary to effectuate a constitutional sentence consistent with the revisions in the sentencing guidelines in addition to all other benefits and services appropriate under 18 U.S.C. §3624(d).

Respectfully submitted,

/s/ *Clemens A. Erdahl*
Clemens A. Erdahl
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ATTORNEY FOR DEFENDANT

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon each of the attorneys of record of all of the parties, or upon pro se parties, to the above-entitled cause on the ___ day of _____, 2008 by:
U.S. Mail   ☐ Fax   ☐ Hand Delivered
☐ Overnight Courier   ☒ Other via CM-ECF

___/s/ *Jackie Harris*___

CJA 23	**FINANCIAL AFFIDAVIT**
Rev. 5/98	IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES ☐ MAGISTRATE ☑ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

IN THE CASE OF

United States	V.S.	Harris

FOR

AT

LOCATION NUMBER ►

PERSON REPRESENTED (Show your full name)

► Jermaine Harris

			DOCKET NUMBERS
1 ☐	Defendant—Adult		Magistrate
2 ☐	Defendant - Juvenile		
3 ☐	Appellant		District Court
4 ☐	Probation Violator		► 1:99-cr-2
5 ☐	Parole Violator		Court of Appeals
6 ☐	Habeas Petitioner		
7 ☐	2255 Petitioner		
8 ☐	Material Witness		
9 ☑	Other	3582	

CHARGE/OFFENSE (describe if applicable & check box →) ☑ Felony ☐ Misdemeanor

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

ASSETS

EMPLOY-MENT

Are you now employed? ☐ Yes ☑ No ☐ Am Self-Employed

Name and address of employer: _____

IF YES, how much do you earn per month? $ _____

IF NO, give month and year of last employment
How much did you earn per month? $ _____

If married is your Spouse employed? ☐ Yes ☑ No

IF YES, how much does your Spouse earn per month? $ _____

If a minor under age 21, what is your Parents or Guardian's approximate monthly income? $ _____

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☑ No

	RECEIVED	SOURCES
IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES	$ _____	_____

CASH

Have you any cash on hand or money in savings or checking accounts? ☐ Yes ☐ No IF YES, state total amount $ _____

PROP-ERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☑ No

	VALUE	DESCRIPTION
IF YES, GIVE THE VALUE AND DESCRIBE IT	$ _____	_____

OBLIGATIONS & DEBTS

DEPENDENTS

MARITAL STATUS
☑ SINGLE
_____ MARRIED
_____ WIDOWED
_____ SEPARATED OR DIVORCED

Total No. of Dependents _____

List persons you actually support and your relationship to them

DEBTS & MONTHLY BILLS
(LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)

APARTMENT OR HOME:	Creditors	Total Debt	Monthly Paymt.
		$ _____	$ _____
		$ _____	$ _____
		$ _____	$ _____
		$ _____	$ _____

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) _____

SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED) ► *Jermaine Harris*